

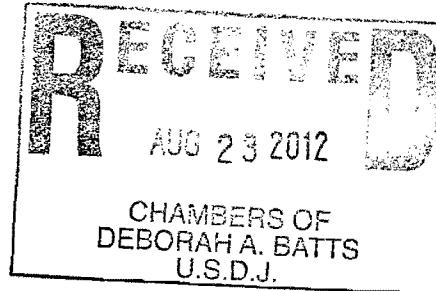


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JUDGE SIGNED
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August 22, 2012

Honorable Deborah A. Batts
United States District Court Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312



Re: *Allied Irish Banks, p.l.c. v. Bank of America, N.A. & Citibank, N.A.*, No. 03
Civ. 3748 (DAB)(GWG)

Dear Judge Batts:

We represent plaintiff Allied Irish Banks, p.l.c. ("AIB") and we are writing in response to Citibank's recently filed "Reply Memorandum of Law . . . In Support of its Motion for Summary Judgment." ("Citibank's Reply Brief").

We have spent a significant amount of time reviewing Citibank's Reply Brief, and we are writing the Court now because Citibank's Reply Brief as well as its "Reply and Objections" to AIB's response to Citibank's "Statement of Undisputed Facts" rely on a significant number of new and misleading factual and evidentiary arguments, and we are concerned that AIB would be severely prejudiced if the Court were to consider Citibank's summary judgment motion without giving AIB the opportunity to respond. See Moore's Federal Practice ¶ 56.91[7] (recognizing that Rule 56 fails to provide a mechanism for the party opposing summary judgment to respond to Rule 56(c)(2) evidentiary objections made by the moving party in reply, and encouraging courts to create such a mechanism). While we would have ordinarily sought the opportunity to file a sur-reply, in light of the Court's briefing limits, we are only seeking to reiterate our request for oral argument.

*Denied
DAB
9/5/12*

MEMO ENDORSED

Respectfully submitted,

Alan Levine

SO ORDERED

Deborah A. Batts
DEBORAH A. BATTES
UNITED STATES DISTRICT JUDGE
9/5/12

cc: Howard S. Zelbo